UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,757	09/02/2005	Wayne A Jackson	PTB-4942-6	9205

23117   7590   07/08/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
3685	

MAIL DATE	DELIVERY MODE
07/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/532,757	JACKSON ET AL.
Office Action Summary	Examiner	Art Unit	
	STEVEN KIM	3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2009*.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32-39 and 75-77* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *32-39 and 75-77* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☒ All　b)☐ Some * c)☐ None of:
　　　1.☒ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the Applicant's amendment dated April 17,

2009, hereinafter "amend0409". Claims 1-31 and 40-74 are canceled. Claims 32, 33,

35, 75, and 76 are amended. Claim 77 has been newly added. Claims 32-39 and 75-

77 are now pending.

Response to Amendments/Arguments

2.   The Applicant has amended the claims in amend0409 in attempt to address the

rejections in the previous office action dated 11/17/2008, hereinafter "oa1108". The

amendment, however, is insufficient to cure the previous rejections. Moreover, the

Applicant's arguments have been fully considered but they are not persuasive.

3.   <u>Rejection based on 35 USC §101</u>

Claims 32-39 and 75-76 continue to be directed towards non-statutory subject

matter with the amendment.

Per claims 32-39, based on Supreme Court precedent (See also Diamond v.

Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978);

Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-

88 (1876)) and recent Federal Circuit decisions, a §101 process must (1) be tied to

another statutory class (such as a particular apparatus) or (2) transform underlying

subject matter (such as an article or materials) to a different state or thing. In addition,

the tie to a particular apparatus, for example, cannot be mere extra-solution activity.

See In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008). An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps.

To meet prong (1), the method step should positively recite the other statutory class (the thing or product) to which it is tied. This may be accomplished by having the claim positively recite the machine that accomplishes the method steps. Alternatively or to meet prong (2), the method step should positively recite identifying the material that is being changed to a different state or positively recite the subject matter that is being transformed.

In this particular case, claims 32-39 fail prong (1) because the "tie" (e.g. retrieving) is representative of extra-solution activity. Additionally, the claim(s) fail prong (2) because the method steps do not transform the underlying subject matter to a different state or thing.

As per claim 76, the claim is directed to a computer instruction on a computer-readable medium. The claims are read with broadest interpretation to be a stored program listing on a flash drive or a portable memory. Program or software is a nonfunctional descriptive material that does not constitute a statutory, see, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory), MPEP 2106.01.

Similarly, the newly added claim 77 is directed to a computer instruction on a computer-readable medium.

The Examiner maintains the 101 rejections on claims 32-39 and 75-76. The newly added claim 77 is also rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

4.   Rejection based on 35 USC §112

Claims 32-39, 75 and 76 were rejected under 35 USC 112 as being indefinite in oa1108.

Claims 32 and 75 has been amended to recite "retrieving/retrieve assessed customer use". In arguing the rejection, the Applicant asserts that the step of assessing is not considered an essential step of the claimed invention since the assessment step may be implemented using *any suitable method whether part of the computer implemented method or not, and as such is not required to be included within the scope of claim 32* (see amend0409, page 6, ¶03). If it is the intention of the Applicant to exclude "**assessed**" from the scope of the invention, the Applicant is advised to remove the term from the claim. Otherwise, the claim continues to be indefinite since the boundary of the claim is ambiguous. An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed - In re Zletz, 13 USPQ2d 1320 (Fed. Cir. 1989).

Furthermore, claim 32 has been amended to include "In a license ownership computer" (see line 1 in claim 32, page 2 of amend0409). The claim further recites "retrieving … from a sales database/ the customer". The scope of the claim is indefinite since it is unclear whether the sales database and the customer are "in a license ownership computer".

Continuing on claim 32, the amendment now recites "receiving further software product licensing data from the customer". The recited "**further** software product licensing data" is a relative term which renders the claim indefinite. The term "further software product licensing data" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Additionally, claim 32 has been amended to recite "wherein the license ownership position is refined by providing further data". The amended language is ambiguous since it is unclear as to what component is providing further data and refining of the license ownership position. An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed - In re Zletz, 13 USPQ2d 1320 (Fed. Cir. 1989).

Claim 35 recites "receiving software product licensing data from the sale database". The scope this particular limitation is unclear since the claim 32, on which claim 35 depends, also recite "retrieving software product licensing data from a sales database". Microsoft Press Computer Dictionary Third Edition, Copyright 1997 by

Microsoft Corporation, defines retrieve as "to obtain a specific item". In order to obtain

an item, a device must receive the item. The scope is ambiguous since it is unclear as

to whether the recited "receiving" is a step different than the recited step of "retrieving".

Furthermore, claim 35 specifically recites "collating the software product licensing

data and further software product licensing data into an analysis database". The claim

then subsequently recites "receiving the software product licensing data, further

software product licensing data and **assessed customer use of the products** from the

analysis database". The claim is missing a step of storing assessed customer use of

the products into the analysis database.

Claims 32, 35, and 75 have been amended to include new language "assessed

customer use of the software product". The specification does not disclose this feature.

As per claim 33, the claim has been amended to include new language

"assumptions **as defined by prestored algorithms**". However, the "assumptions as

defined by prestored algorithms" was not discloses the specification.

As per claim 75-77, the claim is directed towards a system and a method, which

renders the claim ambiguous. A single claim which purports to be both a product or

machine and a process is ambiguous and is properly rejected under 35 USC 112,

second paragraph, for failing to particularly point out and distinctly claim the invention

(Ex Parte Lyell, 17 LISPQ2d 1548 (B.P.A.I. 1990)). For examination purposes, the

examiner will interpret (this/these) claim(s) as being directed to a method only.

Since the claimed steps in claim 75 is significantly similar to those steps claimed in claim 32, above rational/analysis/rejection on claim 32 is applicable to claim 75.

Similarly the same above rational/analysis/rejection on 32 is applicable to claims 76 and 77 as each depends on claim 32 and 75 respectively.

In view of the evidence submitted forth above, claims 32-39 and 75-77 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.   Rejection based on 35 USC §102

The Applicant has included features in claim 40 into the independent claims 32 and 75. Accordingly, the Examiner withdraws the 35 USC § 102 rejections on claims 32-35, 37-39, 75 and 76 and replaces the rejections with 35 USC § 103.

6.   Rejection based on 35 USC §103

The Applicant has amended the independent claims 32 and 75 to recite "wherein the license ownership position is refined by providing further data". This is a feature that was similarly recited in claim 40 in the previously presented claims and has been canceled in amend0409. The Applicant further argues that the examiner has used improper hindsight in reaching an obvious objection (see amend0409, page 8, ¶02). In

response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning.

But so long as it takes into account only knowledge which was within the level of

ordinary skill at the time the claimed invention was made, and does not include

knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Peterson does not specifically disclose wherein the licence ownership position is

refined by providing further data. However, it is predictable result that an ordinary

practitioner in an operation of data analysis will strive to use further data in modeling to

achieve more reliable results to better represent the current scenario/situation.

Furthermore, the wherein clause merely states the intended result of the

positively recited steps in the claims and fails to define the steps or acts to be performed

in the method claims or the discrete physical structure required of system claims. See

MPEP 2173.05 (q), 2106, and 2111.04.

In light of above, the claims 32-39 and 75-77 are rejected under 35 USC 103(a).

Priority

7.   Acknowledgement is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in the instant application, filed on

4/27/2005.

Examiner's Note

8.   The following assertion of facts from the previous office action has been

challenged inadequately and is considered admitted prior art:

- retrieving information from the vendor's database is old and well known in the

    art at the time of the invention.

9.   Microsoft Press Computer Dictionary Third Edition, Copyright 1997 by Microsoft

Corporation, defines collate as "in data handling, to merge items from two ore more

similar sets to create a combined set that maintains the order or sequence of items in

the original sets".

10.   New Collegiate Dictionary, copyright 1981 by G. & C. Merriam Co., defines word

further as "to a greater degree or extent".

Claim Rejections - 35 USC § 101

11.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

12.   Claims 32-39 and 75-77 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

13.   Per claims 32-39 and 75, based on Supreme Court precedent (See also

Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9

(1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S.

780, 787-88 (1876)) and recent Federal Circuit decisions, a §101 process must (1) be

tied to another statutory class (such as a particular apparatus) or (2) transform

underlying subject matter (such as an article or materials) to a different state or thing. In

addition, the tie to a particular apparatus, for example, cannot be mere extra-solution

activity. See In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008).

3.   An example of a method claim that would not qualify as a statutory process

would be a claim that recited purely mental steps.

4.   To meet prong (1), the method step should positively recite the other statutory

class (the thing or product) to which it is tied.   This may be accomplished by having the

claim positively recite the machine that accomplishes the method steps. Alternatively or

to meet prong (2), the method step should positively recite identifying the material that is

being changed to a different state or positively recite the subject matter that is being

transformed.

5.   In this particular case, claims 32-39 fail prong (1) because the "tie" (e.g.

retrieving) is representative of extra-solution activity. Additionally, the claim(s) fail prong

(2) because the method steps do not transform the underlying subject matter to a

different state or thing.

14.   As per claims 76 and 77, the claims are directed to a computer instruction on a

computer-readable medium. The claims are read with broadest interpretation to be a

stored program listing on a flash drive or a portable memory. Program or software is a

nonfunctional descriptive material that does not constitute a statutory, see, e.g.,

Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se

held nonstatutory), MPEP 2106.01

Claim Rejections - 35 USC § 112

15.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

16.   Claims 32-39 and 75-77 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention.

17.   Claims 32, 35, and 75 have been amended to include new language "assessed

customer use of the software products". The specification does not disclose this

feature.

18.   Claims 33-39 and 76-77 are rejected similarly as describe above since each

depends on claims 32 or 75.

19.   Continuing on claim 33, the claim has been amended to include new language

"assumptions **as defined by prestored algorithms**". However, the assumptions as

defined by prestored algorithms was not discloses the specification.

20.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

21.   Claims 32-40 and 75-77 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

22.   Claims 32 and 75 recite "retrieving/retrieve assessed customer use". In arguing

the rejection, the Applicant asserts that the step of assessing is not considered an

essential step of the claimed invention since the assessment step may be implemented

using *any suitable method whether part of the computer implemented method or not,*

and as such is not required to be included within the scope of claim 32 (see

amend0409, page 6, ¶03). If it is the intention of the Applicant to exclude "**assessed**"

from the scope of the invention, the Applicant is advised to remove the term from the

claim. Otherwise, the claim continues to be indefinite since the boundary of the claim is

ambiguous. An essential purpose of patent examination is to fashion claims that are

precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim

scope be removed - In re Zletz, 13 USPQ2d 1320 (Fed. Cir. 1989).

23.   Furthermore, claim 32 recites "In a license ownership computer" (see line 1 in claim 32, page 2 of amend0409). The claim further recites "retrieving … from a sales database/ the customer". The scope of the claim is indefinite since it is unclear whether the sales database and the customer are "in a license ownership computer".

24.   Continuing on claim 32, the claim recites "receiving further software product licensing data from the customer". The recited "**further** software product licensing data" is a relative term which renders the claim indefinite. The term "further software product licensing data" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

25.   Additionally, claim 32 recites "wherein the license ownership position is refined by providing further data". This wherein clause is ambiguous since it is unclear as to what component is providing further data and refining of the license ownership position. An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed - In re Zletz, 13 USPQ2d 1320 (Fed. Cir. 1989).

26.   Claim 35 recites "receiving software product licensing data from the sale database". The scope this particular limitation is unclear since the claim 32, on which claim 35 depends, also recite "retrieving software product licensing data from a sales database". Microsoft Press Computer Dictionary Third Edition, Copyright 1997 by Microsoft Corporation, defines retrieve as "to obtain a specific item". In order to obtain

an item, a device must receive the item. The scope is ambiguous since it is unclear as

to whether the recited "receiving" is a step different than the recited step of "retrieving".

27.   Furthermore, claim 35 specifically recites "collating the software product licensing

data and further software product licensing data into an analysis database". The claim

then subsequently recites "receiving the software product licensing data, further

software product licensing data and **assessed customer use of the products** from the

analysis database". The claim is missing a step of storing assessed customer use of

the products into the analysis database.

28.   As per claim 75-77, the claim is directed towards a system and a method, which

renders the claim ambiguous. A single claim which purports to be both a product or

machine and a process is ambiguous and is properly rejected under 35 USC 112,

second paragraph, for failing to particularly point out and distinctly claim the invention

(Ex Parte Lyell, 17 LISPQ2d 1548 (B.P.A.I. 1990)). For examination purposes, the

examiner will interpret (this/these) claim(s) as being directed to a method only.

29.   Continuing on claim 75, since the claimed steps in claim 75 is significantly similar

to those steps claimed in claim 32, claim 75 is rejected similarly as described above.

30.   Claims 33-39 and 76-77 are rejected as described above since each depends on

claim 32 or claim 75.

Claim Rejections - 35 USC § 103

31.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

32.   Claims 32-35, 37-39 and 75-77 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent No. 7,197,466, to Peterson et al., hereinafter referred to

as "Peterson".

33.   In regards to claims 32 and 75-77, Peterson discloses a method of displaying a

licence ownership position for a vendor's software products for a customer (see col. 1,

lines 1-17, managing software assets using a database including license requirement;

col. 5, lines 6-14, displaying component on a GUI) including the steps of:

   i) retrieving software product licensing data from a sales database (see Fig. 1, col.

   1, lines 33-39; col. 3, lines 20-28; Fig. 4, Data base 20, Retrieving Component 87

   and Accessing Component 84) in communication with the license ownership

   computer;

   ii) retrieving further software product licensing data from the customer (see Fig. 1,

   Fig. 4, Data base 20, Receiving Component 83, Collection Component 80 and

   Accessing Component 84; col. 5, lines 15-25, update and retrieve information; col.

   8, lines 37-41);

iii) retrieving assessed customer use of the software products (see Fig. 5,

Software Inventory Information Section; col. 5. lines 55-63; col. 7, lines 50-57);

iv) calculating a licence ownership position (see Fig. 4, Data base 20, Processing

Component 85; col. 7, lines 16-39; col. 7, lines 50-57; col. 11, lines 8-12); and

v) displaying the licence ownership position and assumptions about calculations

in a GUI (see Fig. 4, Display Component 88; col. 7, lines 50-57) .

Peterson does not specifically disclose wherein the licence ownership position is

refined by providing further data. However, it is predictable result that an ordinary

practitioner in an operation of data analysis will strive to use further data in modeling to

achieve more reliable results to better represent the current scenario.

Furthermore, the wherein clause merely states the intended result of the

positively recited steps in the claims and fails to define the steps or acts to be performed

in the method claims or the discrete physical structure required of system claims, and

thus has no patentable weight. See MPEP 2173.05 (q), 2106, and 2111.04.

In further reference to claims 76 and 77, Peterson does not specifically disclose a

computer readable media including software for effecting the above method. Peterson,

however, discloses computer-implemented method (see claim 44 and 46). However,

implementing a computer-implemented method, e.g. software, in a computer readable

media is old and well known in the art. It would have been obvious to one of ordinary

artisan in the art to embody the computer-implemented method in a computer readable

media for the reason of portability.

34.   As per claim 33, Peterson further discloses wherein the licence ownership

position is calculated using one or more of the following factors the number/estimated

number of computer users in the customer's organisation, the number of commercial

licences sold to the customer (see Fig. 6, License Header fields including

License_Total), the relationship between base licenses, upgrade licenses, and licences

accrued via maintenance contracts, other licences owned by the customer, and various

assumptions as defined by prestored algorithms.

35.   As per claim 34, Peterson further discloses wherein the licence ownership

position is calculated by combining different licence types and aggregating purchases

totals (see col. 6, lines 54-65; col./lines 7/50-8/4, col. 8, lines 29-32).

36.   As per claim 35, Peterson also discloses wherein the data in steps (i) to (iii) is

retrieved from an analysis database created by: i) receiving the data from a sales

database (see Fig. 1, Fig. 4; Fig. 7, Sourcing or Procurement 396; col. 12, lines 54-57);

and ii) collating the data into an analysis database (see Fig. 4), and retrieving the

software product licensing data, further software product licensing data and assessed

customer use of the products from the analysis database (see Fig. 4; Fig. 16, 980

access database, 990 retrieve requested information, 992 download requested

information). Peterson discloses interactive database for managing software assets,

measuring compliance, and tracking/reporting requirement (see Abstract).

37.   As per claim 37, Peterson also teaches calculating and displaying the risk of non-

compliance (see col. 2, lines 3-8, identify potential non-compliance; col. 7, lines 14-20;

col. 7, lines 52-57).

38.   As per claim 38, Peterson also discloses wherein step (vi) includes the step of

comparing the licence ownership position to actual installation data or actual/estimated

computer user data (see col. 12, lines 32-53, identifying software requirement and

determining surplus software).

39.   As per claim 39, Peterson discloses wherein the licence ownership position is

recorded and used when later licence ownership positions are calculated (see col. 11,

8-12).

40.   Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable Peterson in

view of Admitted Prior Art, hereinafter referred to as APA.

41.   Per claim 36, Peterson does not specifically disclose wherein the sales database

is the sales database of the vendor. However, APA discloses the retrieving information

from the vendor's database. It would have been obvious to one of ordinary skilled in the

art to recognize that utilizing a direct feed from the vendor's database would provide

data integrity.

Conclusion

42.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. US Patent No. 6,256,773: discloses a method and system for

software management including License Management; US Patent No. 7,124,101:

discloses network asset tracking and management system and methods; US Patent No.

6,735,701: discloses network policy compliance method and system; US Patent No.

7,430,590: discloses method and system for managing a group of services including

software compliance reporting.

43.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

44.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to STEVEN KIM whose telephone number is (571)270-

5287. The examiner can normally be reached on Monday - Thursday (7:30AM -

5:00PM).

45.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Calvin Hewitt can be reached on (571)272-6709. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

46.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K./
Examiner, Art Unit 3685

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685